

**Design and Construction Standards for Rehabilitation**  
**New Hampshire Housing Finance Authority**  
December 12, 2017

- A. Purpose: The purpose of this document is to provide standards and policies for physical improvements to existing properties that receive financing from the New Hampshire Housing Finance Authority (the “Authority”). These standards and policies are intended to ensure a basis for providing safe, sanitary, cost effective, energy efficient, and decent housing for all occupants and to protect the Authority’s security interest in the property without imposing an undue burden on property owners seeking financing.
- B. Applicability: These standards will be applied to existing multifamily residential properties that are being refinanced through the Authority or are being acquired with financing from the Authority. Properties receiving extensive rehabilitation to convert from a nonresidential to a residential use are subject to the Authority’s Technical Design and Construction Standards.
- C. Capital Needs Assessments (CNAs)
  - a. All buildings that are more than ten years old at the time of application that are refinanced or finance through acquisition by New Hampshire Housing Finance Authority (“The Authority”) are required to submit a Capital Needs Assessment (CNA) at the time of application. In order for the Authority to accept a CNA, certain conditions must be met:
    - i. The CNA must be less than three years old at the time of application.
    - ii. The CNA must include a 20-year forecast of capital improvements, with cost estimates for all recommended capital improvements in the first ten years.
    - iii. The CNA must include an assessment of the property’s accessibility
  - b. An accessibility study along with a statement of compliance shall be included in the CNA. The study shall include all accessible units, all common areas, and all public areas.
  - c. The Authority will review the CNA and inspect the property. The Authority reserves the right to request changes to the CNA.
- D. Funds shall be reserved according the CNA.
  - a. Maintenance or replacement work shall not be inferior to, or make a building less conforming than it was before the repair was undertaken.
  - b. Alterations, Change of Occupancy, and Additions shall be subject to all applicable codes as well as The Authority’s construction rules and technical standards. Alterations, as defined by the International Existing Building Code are considered, “any construction, or renovation to an existing structure other than a repair or addition”.
  - c. CNAs shall be updated every ten years throughout the life of the loan.
- E. Environmental
  - 1. Buildings constructed prior to 1978 must be tested for lead-based paint hazards via risk assessment by a NH licensed risk assessor, otherwise all paint films will be assumed to contain lead and will be removed during construction by a licensed lead abatement contractor in accordance with the following regulations:
    - a. NH He-P 1600/RSA 130-A NH Lead Poisoning Prevention and Control Act
    - b. HUD 24 CFR 35 regulations
    - c. U.S. Environmental Protection Agency Lead Regulations 40 CFR 745
    - d. Title X – Residential Lead-Based Paint Hazard Reduction Act of 1992
    - e. OSHA Lead Construction Standard 1926.62
    - f. Exception – Testing will not be required for buildings that already have a clearance certificate.
  - 2. Soil testing for lead-based hazards will be required per a-e above. Generally, the areas to be tested will include:

- a. Playgrounds
- b. Within five feet of the foundation area
- c. Within one hundred feet of the foundation when the total surface area of the exposed soil is greater than or equal to nine square feet.
- 3. Total and complete abatement of asbestos is required. Note that encapsulation is considered a form of abatement.
- 4. Water – All projects must ensure that lead and copper levels in tap water are below the levels imposed in the Environmental Protection Agency’s Lead and Copper Rule. No less than 5% of the units shall be tested.
- F. Life Safety – Full compliance with NFPA101, Life Safety Code, Chapter 31 – Existing Apartment Buildings (2015 edition) is required.
- G. Accessibility – Regardless of the funding source, the following shall apply to all rehabilitation projects.
  - 1. All buildings completed after January 26, 1993 are subject to Title III of the ADA Standards for Accessible Design. Title III covers areas of public accommodation like rental offices.
  - 2. All buildings completed after March 13, 1991 are subject to The Fair Housing Act.
    - a. Buildings with less than four units are excluded.
    - b. Buildings with four or more ground units without an elevator are subject to The Fair Housing Act.
    - c. The Fair Housing Act does not apply to multi-story units like townhouses.
  - 3. Repairs and maintenance shall not be subject to accessibility requirements. The repairs or maintenance shall not make a building less accessible.
    - a. Examples would include roof replacement, siding replacement, flooring replacement, etc.
  - 4. Regardless of funding sources Alterations shall comply with article 4.1.6 of the Uniform Federal Accessibility Standards (UFAS).
    - a. An Alteration as defined by UFAS is, “As applied to a building or structure, means a change or rearrangement in the structural parts of elements, or in the means of egress or in moving from one location or position to another. It does not include normal maintenance, repair, reroofing, interior decoration, or changes to mechanical and electrical systems.”
  - 5. Regardless of funding sources Additions shall comply with article 4.1.5 of the Uniform Federal Accessibility Standards.
    - a. An Addition as defined by UFAS is, “An expansion, extension, or increase in the gross floor area of a building or facility.”
  - 6. Regardless of funding sources Historic Preservation shall comply with article 4.1.7 of the Uniform Federal Accessibility Standards.
    - a. “Qualified” buildings shall be eligible for listing in the National Register of Historic Places or designated as historic under a statute of the local government body.
  - 7. When the requirements above conflict with the International Building Code or the International Existing Building Code the more stringent shall apply.
  - 8. New Hampshire State Building Code Amendments shall apply when applicable.
- H. Structural Repairs shall comply with the latest adopted addition of the International Existing Building Code.